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 WASTE CONNECTIONS OF CALIFORNIA, INC.,
 d/b/a/ GREENTEAM OF SAN JOSE



IN THE UNITED STATES DISTRICT COURT FOR THE
 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

WASTE CONNECTIONS OF
 CALIFORNIA, INC., a California
 corporation, d/b/a/ GREENTEAM OF
 SAN JOSE,

Plaintiff,

v.

DOXA CONSTRUCTION AND
 DEVELOPMENT, INC., et al.

Defendants.

CASE NO. C09 05345 JW HRL

**REQUEST FOR DISMISSAL OF CLAIMS
 AND DEFENDANTS
 [Fed. R. Civ. 41(a)]**

Date: TBD, 2011
 Time: 9:00 a.m.
 Courtroom: 8
 Judge: Hon. James Ware

Action Filed: September 11, 2009

DOXA CONSTRUCTION AND
 DEVELOPMENT, INC., et al.

Counter-Claimants,

v.

WASTE CONNECTIONS OF
 CALIFORNIA, INC., a California
 corporation, d/b/a/ GREENTEAM OF
 SAN JOSE, et al.

Counter-Defendants.

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1 Plaintiff WASTE CONNECTIONS OF CALIFORNIA, INC., d/b/a/ GREENTeam OF
2 SAN JOSE, ("Waste Connections") hereby requests, pursuant to 41(a) of the Federal Rules of
3 Civil Procedure, an order (1) dismissing defendant ROGER OLIVER ("Oliver") from this action;
4 and (2) dismissing the following claims from this action:

5 1. Third Cause of Action for fraud against Oliver and defendant DOXA
6 CONSTRUCTION AND DEVELOPMENT, INC. ("DoxA Construction");

7 2. Fourth Cause of Action for unfair competition against Oliver and DoxA
8 Construction;

9 3. Fifth Cause of Action for conversion against Oliver and DoxA Construction;

10 4. Sixth Cause of Action for breach of contract against Oliver and DoxA
11 Construction;

12 5. Seventh Cause of Action for breach of the covenant of good faith and fair dealing
13 against Oliver and DoxA Construction;

14 6. Eight Cause of Action for common count of indebitatus assumpsit against Oliver
15 and DoxA Construction;

16 7. Ninth Cause of Action for quantum meruit and/or unjust enrichment against Oliver
17 and DoxA Construction; and

18 8. Tenth Cause of Action for breach of contract against defendants JOSEPH
19 BENENATI and WESTERN STATES ERECTORS, INC.

20 Together with the Court's ruling granting Plaintiff's Motion for Partial Summary
21 Judgment and Motion for Default Judgment, this dismissal will result in every cause of action
22 having been addressed so that final judgment may be entered.

23 DATED: February 18, 2011

DOWNEY BRAND LLP

24
25 By: 

TREVEN I. TILBURY

26 Attorneys for Plaintiff and Counter-Defendant
27 WASTE CONNECTIONS OF CALIFORNIA,
28 INC., d/b/a/ GREENTeam OF SAN JOSE